



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 08803-97
17 December 1999

LCDR [REDACTED] USN

Dear Commander [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Bureau of Naval Personnel, dated 3 June 1998, and the Navy Personnel Command, dated 30 November 1998, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinions. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosures



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

8403-97
1610
IN REPLY REFER TO
Pers 32
3 JUN 98

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: BUPERS/BCNR Coordinator (Pers-00XCB)

Subj: L [REDACTED] Z, USN [REDACTED]

Ref: (a) BUPERSINST 1610.10, EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests removal of his failure to select because he feels the report reviewed by the FY98 O4 selection board for the period of 4 April 1995 to 31 January 1996 may have been in error.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report for the period ending 31 January 1996 to be on file. The report reflects the member's signature in block 46, indicating he signed the report on 12 February 1996. The member's signature acknowledges the contents of the report and the member indicated he did not desire to submit a statement.

b. The report for the period of 4 April 1995 to 31 January 1996 was originally received by Pers-322 on 29 March 1996 and returned to the reporting senior for his signature and completion of block 39 on 2 April 1996. On 30 May 1997, more than one year later, the corrected report was received by Pers-322, examined and accepted for file on 16 June 1997.

b. The member alleges the Performance Summary Record (PSR) for the period reflects the wrong cumulative average for the reporting senior as well as the number of individuals evaluated by the reporting senior. This information is calculated approximately 45 days following acceptance of the report by BUPERS and is based on all reports signed by the reporting senior for the specific paygrade listed in block 2. Accordingly, the reporting senior's average is correct for the date the report was accepted by BUPERS and no correction is necessary.

Subj: LT [REDACTED] Z, USN, [REDACTED]

c. Review of the FY98 O4 staff selection board missing evaluation requests did not reveal a request from the board for the period of 4 April 1995 to 31 January 1996. Neither the prescreen of the automated data base or a hand screen of the record indicated the report to be missing. Accordingly, we cannot determine if the report was reviewed by the board.

3. We recommend the member's petition be forwarded to the Director, Active Officer Promotions, Appointments, and Enlisted Advancements Division (Pers-85/26) for comment on the member's request for removal of his failure to select.

[REDACTED]
[REDACTED]
[REDACTED]
Director, Military Personnel
Evaluation & Correspondence
Division



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

8803-97

5420
Ser 85/334
30 Nov 98

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LT [REDACTED] USN [REDACTED]

Ref: (a) NPC-32 memo of 3 Jun 98
(b) SECNAVINST 1401.1B

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending disapproval of LT [REDACTED] request for removal of his failure of selection based on his assertion that the FY98 Active Staff Lieutenant Commander Selection Board failed to have before it his Fitness Report for the period 4 April 1995 to 31 January 1996 and Performance Summary Report in error. Modification of his record is addressed in reference (a).

2. The reports addressed in reference (a) do not support a removal of [REDACTED] failure of selection. Correspondence to the Board dated 3 March 1997, w/enclosures was included in his official record for consideration. His record as reviewed by the Selection Board was complete. The Board had all the information that was required for consideration and records that were presented before it provided a substantially accurate, complete, and fair portrayal of his career.

3. Recommend disapproval of [REDACTED] request.

[REDACTED]
BCNR Liaison, Officer Promotions
and Enlisted Advancements Division